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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
05/859,718	05/17/01	GUST	J GRD0122.CIP

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EXAMINER

PATEL, D

ART UNIT

PAPER NUMBER

2831

DATE MAILED:

09/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/859,718

Applicant(s)

GUST ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, said electrical component having a plurality of annular projections recited in claim 6, said electrical connector having a plurality of annular projections recited in claim 12, must be shown or the feature(s) canceled from the claim(s). Examiner suggests showing reference number for plurality of annular projections.

No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

Specification

2. The disclosure is objected to because of the following informalities: the reference characters must be properly applied, no single reference character being used for two different parts or for a given part and a modification of such part. Such as in the specification on page 4 line 9, " an electrical component 16" while on page 5 line 22, " electrical connector 16".

Applicant is responsible for providing separate reference number for each part disclosed in the specification. See MPEP § 608.01 (g) .

Applicant is responsible for reviewing the entire specification for each reference number and revise as required.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

3. Claim 6 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In claim 6 lines 1-2, " a plurality of annular projections" is confusing because it is not shown on the drawings.

In claim 12 lines 1-2, " a plurality of annular projections" is confusing because it is not shown on the drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1- 3, 5-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Guginsky (5,283,393).

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Guginsky discloses :

Regarding claim 1, at least one electrical conductor 29 (see fig 1), a flexible electrical tubing 11 having an end (conduit, see fig 1, column 3 lines 25-27), said tubing loosely carrying said at least one electrical conductor (see fig 1); and an electrical component 12 (fitting, see fig 1, column 3 lines 35-40) associated with said at least one electrical conductor (see fig 1), said electrical component hermetically sealing said tubing end (see fig 1, column 3 lines 35-45).

Regarding claims 2 and 7, see fig 1.

Regarding claim 3, said electrical component comprising an electrical connector (see column 4 lines 33-36) having at least one electrical terminal (inherent properties of a connector), and capable of functioning as claimed by inventor.

Regarding claim 5, said tubing including a non- smooth inner surface (see fig 1), said electrical component having an outer periphery with at least one annular projection engaged with said inner surface (see fig 2).

Claim 6 is included in this rejection as best understood.

Regarding claim 8, Guginsky disclosed all the feature of the claimed invention. With respect to said electrical component formed by the process of insert molding with said tubing. The presence of process limitations in product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. In re Stephens 145 USPQ 656 (CCPA 1965).

Regarding claim 9, see fig 1.

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Regarding claim 10, at least one electrical conductor 29 (see fig 1), a flexible electrical tubing 11 having an end (conduit, see fig 1, column 3 lines 25-27), said tubing loosely carrying said at least one electrical conduit (see fig 1); and an electrical connector 12 (fitting, see fig 1, column 3 lines 35-40, column 4 lines 34-37) associated with said at least one electrical conductor (see fig 1), said electrical component hermetically sealing said tubing end (see fig 1, column 3 lines 35-45).

Regarding claim 11, said tubing including a non- smooth inner surface (see fig 1), said electrical connector having an outer periphery with at least one annular projection engaged with said inner surface (see fig 2).

Claim 12 is included in this rejection as best understood.

Regarding claim 13, see fig 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions

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covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4, 14-17 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Guginsky (5,283,393) in view of F. E. Shrimplin et al (3,144,545).

Regarding claim 4, Guginsky disclose all the features of the claimed invention as shown above, but fails to disclose a plug and said at least one electrical conductor extending through and sealed with said plug. F. E. Shrimplin et al teach the use of a plug 19 sealing a tube 18 (see fig 1, please note that Shrimplin disclosed that the leads 16 and 17, of course, will extend far enough so that plug 19 may be connected to a suitable source of electrical energy, see column 3 lines 47-55, therefore, the plug 19 provide hermetically sealing said tubing). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the said tubing end of the assembly of Guginsky with a plug as taught by F. E. Shrimplin et al for the purpose of connecting said plug to a suitable source of electrical energy.

Regarding claim 14, Guginsky discloses at least one electrical conductor 29 (see fig 1), a flexible electrical tubing 11 having an end (conduit, see fig 1, column 3 lines 25-27), said tubing loosely carrying said at least one electrical conduit (see fig 1). Guginsky fail to disclose a plug hermetically sealing said tubing and said at least one electrical conductor extending through and sealed with said plug. F. E. Shrimplin et al teach the

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use of a plug 19 sealing a tube 18 (see fig 1, please note that Shrimplin disclosed that the leads 16 and 17, of course, will extend far enough so that plug 19 may be connected to a suitable source of electrical energy, see column 3 lines 47-55, therefore, the plug 19 hermetically sealing said tubing). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the said tubing end of the assembly of Guginsky with a plug as taught by F. E. Shrimplin et al for the purpose of connecting said plug to a suitable source of electrical energy.

Regarding claim 15, see fig 1 of Guginsky.

Regarding claim 16, see fig 1 of F. E. Shrimplin et.

Regarding claim 17, see fig 1 of Guginsky.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guginsky, Fochler et al, Cedrone, and Bingham disclose a tubing similar to applicant's claimed invention.

Contact information

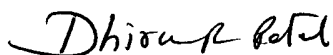
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (703) 308 - 3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-305-3431. Any inquiry of a general nature or relating to the status of

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this application should be directed to the Group receptionist whose telephone number is
(703) 308-0956.



Dhiru R. Patel

Dhiru Patel
Patent Examiner
Group Art Unit 2831
September 13, 2001

Patent Examiner